

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Brian Garrett,
Edward Gonzales,
Kent Kilgore,
Adam Plouse, and
John Does 1-35, individually and
on behalf of all others similarly situated,

Plaintiffs,

vs.

The Ohio State University,

Defendant.

Case No. 2:18-cv-00692

Judge Michael H. Watson

Chief Magistrate Judge Elizabeth P.
Deavers

**ORDER GRANTING JOINT MOTION (ECF No. 66) TO CLARIFY,
MODIFY, OR AMEND ORDER (ECF No. 51), and DENYING
PLAINTIFFS' MOTION TO CLARIFY, MODIFY, OR AMEND ORDER AS
MOOT (ECF No. 64)**

For good cause shown, the Court, having considered the parties' joint Motion (ECF No. 66) for an agreed order to resolve Plaintiffs' pending Motion to Clarify, Modify, or Amend Order (Doc. 64), hereby finds and orders as follows:

On January 17, 2019, the Court issued an Order (ECF No. 51) granting in part and denying in part Plaintiffs' Motion for John Doe Plaintiffs to Proceed Anonymously. (ECF No. 49).

The Court's January 17, 2019 Order concluded that John Doe Plaintiffs may proceed anonymously on the docket, and may use "John Doe 1-35" in pleadings and documents on the

public record (ECF No. 51). The Court directed Plaintiffs to file, ex parte and under seal, a First Amended Complaint containing the John Doe Plaintiffs' true identities, which Plaintiffs timely did. (ECF No. 60).

Consistent with the nearly identical Order entered previously in Case No. 2:18-cv-00736, the Court's January 17, 2019 Order authorized disclosure of the John Doe Plaintiffs' identities to Defendant and to other legal support staff for Defendant, and to witnesses on a "need to know" basis (ECF No. 51). The Court's January 17, 2019 Order also directed Plaintiffs to disclose the John Doe Plaintiffs' true identities to Defendant's attorneys. Plaintiffs have not yet done so.

On February 14, 2019, Plaintiffs filed a Motion to Clarify, Modify, or Amend the January 17, 2019 Order (ECF No. 64).

Following the Status Conference held February 19, 2019, the Court entered an Order on February 20, 2019, directing the parties to "discuss the pending [Plaintiffs'] motion to clarify, modify, or amend the order granting in part and denying in part John Doe Plaintiffs' motion to proceed anonymously, ECF No. 64" and to "advise the Court whether and what issues remain for judicial resolution regarding this motion" (ECF No. 65).

Pursuant to the Court's February 20, 2019 Order (ECF No. 65), the parties have agreed to a proposed order that would resolve, and obviate the current need for judicial resolution of, the issues raised in Plaintiffs' pending Motion to Clarify, Modify, or Amend Order (ECF No. 51) Granting in Part and Denying in Part John Doe Plaintiffs' Motion to Proceed Anonymously (ECF No. 64).

IT IS THEREFORE ORDERED that:

1. Within seven (7) days of the date of this Order, Plaintiffs will disclose the true identities of the thirty-five John Doe plaintiffs, and any future plaintiffs, to the attorneys

representing Defendant The Ohio State University ("Ohio State") in this case:

- (1) Michael H. Carpenter, Trial Attorney, Special Counsel for Defendant, Carpenter Lipps & Leland LLP, Columbus, Ohio;
- (2) Timothy R. Bricker, Special Counsel, Carpenter Lipps & Leland LLP;
- (3) David J. Barthel, Special Counsel, Carpenter Lipps & Leland LLP;
- (4) Stephen E. Dutton, Special Counsel, Carpenter Lipps & Leland LLP.

2. The attorneys listed above in paragraph 1 may disclose the identities of the John Doe Plaintiffs, and any future plaintiffs, to (a) the immediate legal staff involved in this litigation, Case No. 18-cv-00692, and related Case No. 18-00736; (b) witnesses on a "need to know" basis; and (c) the following individuals at Ohio State:

- (1) Christopher M. Culley, Senior Vice President and General Counsel, Office of Legal Affairs, The Ohio State University;
- (2) Alexandra T. Schimmer, Associate Vice President and Deputy General Counsel, Office of Legal Affairs, The Ohio State University;
- (3) Anne Garcia, Vice President for Legal and Compliance, Office of Legal Affairs, The Ohio State University Wexner Medical Center; Senior Associate General Counsel, Office of Legal Affairs, The Ohio State University;
- (4) Paula Luna Paoletti, Senior Assistant Vice President and Senior Associate General Counsel, Office of Legal Affairs, The Ohio State University;
- (5) Mary Menkedick Ionno, Assistant Vice President & Senior Associate General Counsel, Office of Legal Affairs, The Ohio State University;
- (6) Haily Miller, Legal Fellow, The Ohio State University Wexner Medical Center;

- (7) Ryan Meadows, Director of Strategic Initiatives and Special Assistant to the Senior Vice President, Office of Legal Affairs, The Ohio State University;
- (8) Mark Lemmon, Paralegal, Office of Legal Affairs, The Ohio State University;
- (9) Chris Glaros, Assistant Vice President for Compliance Operations and Investigations, Office of University Compliance and Integrity, The Ohio State University;
- (10) Kellie Brennan, Director of Compliance and Title IX/Clergy Act Coordinator, Office of University Compliance and Integrity, The Ohio State University.

3. The individuals listed above in paragraph 2 may disclose the identities of the John Doe Plaintiffs, and any future plaintiffs, to their immediate legal staff involved in this litigation, Case No. 18-cv-00692, and related case No. 18-cv-00736.

4. Ohio State does not waive, but expressly reserves, the right to identify additional individuals who have a “need to know” the identities of John Doe Plaintiffs or any future plaintiffs.

5. The parties will discuss and attempt to resolve any question as to which witnesses or additional individuals “need to know” the identities of John Doe Plaintiffs or any future plaintiffs. If the parties are unable to agree upon which witnesses or additional individuals “need to know,” the parties will seek the Court’s assistance.

6. All individuals to whom the identities of John Doe Plaintiffs or future plaintiffs are disclosed agree not to divulge, purposefully or inadvertently, the identities of the John Doe Plaintiffs or future plaintiffs, except as set forth in this Order.

7. The parties Joint Motion (ECF No. 66) is **GRANTED**.

8. The Plaintiffs' Motion to Clarify, Modify, or Amend Order (ECF No. 51)

Granting in Part and Denying in Part John Doe Plaintiffs' Motion to Proceed Anonymously (ECF No. 64) is **DENIED** as moot.

9. The Court's prior Order (ECF No. 51) on John Doe Plaintiffs' Motion to Proceed Anonymously (ECF No. 49) is **CLARIFIED** as set forth above.

IT IS SO ORDERED.

Date: March 12 2019.

s/Michael H. Watson
MICHAEL H. WATSON
UNITED STATES DISTRICT JUDGE

s/Elizabeth A. Preston Deavers
ELIZABETH A. PRESTON DEAVERS
CHIEF UNITED STATES MAGISTRATE JUDGE